

**REMARKS**

Claims 1, 3-11 and 13-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Shimbashi et al., U.S. Patent No. 6,798,799 ("Shimbashi"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention includes one or more circuit switch fabrics, one or more packet switch fabrics and a controller which is configured to examine a SONET/SDH path overhead byte in order to: (a) determine whether to route traffic to the circuit switch or packet switch fabric; (b) dynamically allocate resources from the circuit switch to ATM and IP traffic in order to route traffic to the packet switch fabric; and (c) route the traffic to either one of the switch fabrics.

In contrast, Shimbashi does not disclose both the examination of a SONET/SDH path overhead byte in combination with the dynamic allocation of resources, as in the claims of the present invention.

Because Shimbashi does not disclose each and every feature of the claimed invention, it cannot provide a basis for rejection under 35 U.S.C. §102. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 4-8, 11, 14-17, 20-24 and 27-30.

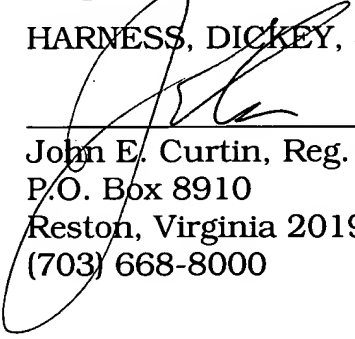
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNES, DICKEY, & PIERCE, P.L.C.

By



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